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In re Application of :
Chang, et al. :
Application No. 10/787,212 : ON PETITION
Filed: February 27, 2004 :
Attorney Docket No. BHT/3110-171 :

This is a decision on the petition filed July 16, 2004, requesting that the above-identified application be accorded a filing date of February 27, 2004, including Figure 1A as described in the specification.

The application was filed on February 27, 2004. However, on May 17, 2004, the Office of Initial Patent Application mailed a "Notice To File Corrected Application Papers" (Notice) that stated the application had been accorded a filing date, but Figure 1A as described in the specification appears to have been omitted.

In response, on July 16, 2004, the instant petition was submitted. Petitioner asserts that Figure 1A was submitted with the original drawings. Petitioner states that the drawing "to the left of the Chinese characters which end in "A", should be correctly labeled as Figure 1A. Furthermore, petitioner adds, "the Figure 1-A was incorrectly identified by a legend comprising Chinese characters, but was present in this figures as filed." Petitioner has submitted a corrected drawing sheet in which the figure is correctly identified as "Figure 1A."

In view of the above, it appears that the drawing of Figure 1A was present on February 27, 2004, but mislabelled by applicants. Since it is now clear that Figure 1A was present on February 27, 2004, albeit mislabeled, the Figure may be considered as filed with the application on February 27, 2004.

The petition is granted.

Please note, the \$130.00 petition fee is required, since a petition was necessary to correct applicants' filing error, and not necessitated by any error on the part of the Office.

This application will be returned to OIPE for further processing with a filing date of February 27, 2004, and using the drawing containing Figure 1A, submitted on July 16, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.



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